

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION**

CRIMINAL CASE NO. 1:08cr128-10

UNITED STATES OF AMERICA,)

)

)

vs.

)

ORDER

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)

RAVON JAMAR PATTON.)

)

THIS MATTER is before the Court on the Government's Motion to Dismiss a third-party petition asserting a legal interest in property subject to forfeiture in the above-referenced criminal case. [Doc. 243]. The Court held a hearing on this motion on November 24, 2009.

During the course of the hearing, the Government announced that it was withdrawing its Motion to Dismiss and intended to proceed with discovery on the Petitioners' claims. The parties contend, and the Court so finds, that it is not practicable to hold a hearing within thirty days, as the parties wish to engage in discovery on the Petitioners' claims. Accordingly, the thirty-day time limit set forth in 21 U.S.C. §851(n)(4) shall be waived.

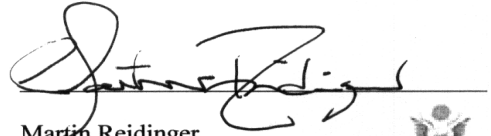
Accordingly, **IT IS, THEREFORE, ORDERED** that the Motion to Dismiss Petition [Doc. 243] is deemed **WITHDRAWN**.

IT IS FURTHER ORDERED that the thirty-day time limit for a hearing on the Petitioners' claims set forth in 21 U.S.C. § 853(n)(4) is hereby **WAIVED**.

IT IS FURTHER ORDERED that all discovery in this matter shall be completed on or before **March 1, 2010**. The Court will conduct a final hearing on the Petitioners' claims during the Court's March 1, 2010 term. The parties will be notified at a later date of the scheduling of such hearing.

IT IS SO ORDERED.

Signed: December 2, 2009



Martin Reidinger
United States District Judge

